

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS ALEXANDER KREBS,

No. C -12-03974 EDL

Plaintiff,

**ORDER REGARDING PLAINTIFF'S
FEBRUARY 14, 2013 LETTER**

v.

CITY AND COUNTY OF SAN FRANCISCO,

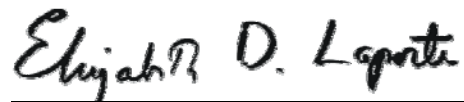
Defendant.

On February 14, 2013, Plaintiff filed a letter describing a recent deposition of a police officer in this case and seeking the Court's guidance on several issues that came up during that deposition. On February 19, 2013, Defendant filed a responsive letter. The Court has reviewed the parties' letters and offers the following guidance to the parties for future depositions.

First, asking questions prefaced with "please tell the jury" or similar language in a deposition could potentially be confusing depending on the (unknown) future context in which the testimony is proffered, so a better practice is not to do so. Such questions do not warrant an instruction not to answer, however, and Defendant is cautioned not to so instruct inappropriately in the future. Second, it is appropriate to use titles such as "officer." Third, all counsel should use a civil tone of voice during depositions, both to the witness and each other. If the form of the question is argumentative, counsel may object on that basis.

IT IS SO ORDERED.

Dated: February 20, 2013



ELIZABETH D. LAPORTE
United States Magistrate Judge